

The Office has characterized the inventions of Groups I and II as unrelated. Citing

MPEP §806.04 and MPEP §808.01, the Office concludes that “the method of preventing skin aging and greasy skin are not disclosed as capable of use together, and they have different functions and effects.” However, the Office has not provided sufficient reasons and/or examples to support this assertion. The Office has merely stated the conclusion.

Accordingly, the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Accordingly, Applicants respectfully submit that the Restriction Requirement should be withdrawn.

Applicants further traverse the Restriction Requirement on the additional ground that a search of all the claims would not impose a serious burden on the Office. The MPEP in §803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office. Applicants respectfully point out that thousands of U.S. patents have issued in which many more subclasses are searched, and the Office cannot reasonably assert that a burden exists in searching these subclasses.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants further submit that this application is in condition for examination on the merits and an early notification to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Richard L. Treanor, Ph.D.  
Attorney of Record  
Registration No.: 36,379

Thomas W. Barnes III, Ph.D.  
Registration No. 52,595



**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
NFO:TWB:aps  
I:\atty\Twb\217032US0-RR.wpd